

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

MARCUS T. REED

PLAINTIFF

v.

No. 3:15CV103-MPM-JMV

WARDEN TIMOTHY OUTLAW, ET AL.

DEFENDANT

MEMORANDUM OPINION

This matter comes before the court on the *pro se* prisoner complaint of Marcus T. Reed, who challenges the conditions of his confinement under 42 U.S.C. § 1983. For the purposes of the Prison Litigation Reform Act, the court notes that the plaintiff was incarcerated when he filed this suit. The plaintiff alleges that the defendant was negligent, which led to the plaintiff's injury when a heavy metal plate fell on top of him. For the reasons set forth below, the instant case will be dismissed for failure to state a claim upon which relief could be granted.

Factual Allegations

On September 18, 2014, at the Mississippi State Penitentiary in Unit 29-I, the plaintiff exited his cell in preparation to go to the day room for two hours of recreation. As he passed out of his cell, a 180-pound iron door covering fell off the door, striking him in the head and injuring his neck, shoulders, and back – and leaving him partially blind in his left eye. Reed also alleges that the metal plate resulted in contusions covering over half of his body.

Negligence in Prison Conditions Cases

In this case, Marcus Reed alleges only that a heavy metal object fell on him when he exited his prison cell – a claim sounding wholly in negligence. Negligent conduct by prison officials does not rise to the level of a constitutional violation. *Daniels v. Williams*, 474 U.S. 327, 106 S.Ct. 662 (1986),

Davidson v. Cannon, 474 U.S. 344, 106 S.Ct. 668 (1986). As such, the instant case will be dismissed for failure to state a claim upon which relief could be granted.

Conclusion

For the reasons set forth above, the instant case will be dismissed for failure to state a constitutional claim.

SO ORDERED, this, the 23rd day of July, 2015.

/s/ MICHAEL P. MILLS
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI